

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Jennifer Rhodes,	)	CIVIL ACTION NO. 3:02-CV-3775-10BD
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b><u>ORDER</u></b>
Tuomey Regional Medical	)	
Center, Central Carolina	)	
Technical College, and	)	
Mickey Wheeler,	)	
	)	
Defendants.	)	
_____	)	

This case is before the Court pursuant to a report and recommendation submitted by United States Magistrate Judge Bristow Marchant, to whom it was referred for review under 28 U.S.C. § 636(b)(1)(B) and this Court's local rules. The action was commenced by the plaintiff, Jennifer Rhodes, in the Court of Common Pleas for Sumter County, South Carolina, and it was removed to this Court by the defendants because Plaintiff seeks relief *inter alia* pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.*, and 42 U.S.C. § 1981. Plaintiff alleges that Defendants discriminated against her because of her race and in retaliation against her for reporting racial harassment. Plaintiff also asserts state law claims of breach of contract, slander, third party interference with contract, negligent supervision of an employee, and civil conspiracy. Defendants deny that they have discriminated against Plaintiff. Defendants also deny that they are liable to Plaintiff upon any of the state law claims she has asserted. Finally, Defendants move for summary judgment in their favor.

Upon his review, the Magistrate Judge finds the existence of material issues of fact as to the First and Third Causes of Action (that Plaintiff was subjected to disparate discipline and was

terminated by Defendant Tuomey Regional Medical Center because of her race in violation of Title VII and § 1981), and he recommends that the motions for summary judgment be denied as to the First and Third Causes of Action. Upon review of the evidence pertaining to the remaining state law causes of action, the Magistrate Judge recommends that the Defendants' motion for summary judgment be granted. Additionally, the Magistrate Judge recommends that the action be dismissed as to Defendants Central Carolina Technical College and Mickey Wheeler. Both Plaintiff and Defendant Tuomey Regional Medical Center object to the Magistrate's recommendations. However, during the recent hearing on objections, Plaintiff conceded that she does not have justiciable claims on the state law causes of action. Defendant Tuomey Regional Medical Center objects to the recommendation that its motion for summary judgment be denied as to the First and Third causes of action, and it urges that its motion for summary judgment be granted.

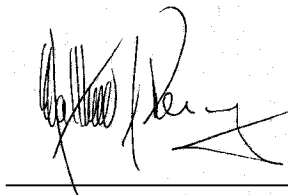
Upon consideration of the pleadings, the evidence of record, the report, the objections, and the arguments thereon, the Court concludes that for the reasons stated by the Magistrate Judge, the recommendations are approved.

Defendant Tuomey Regional Medical Center's motion for summary judgment as to Plaintiff's Title VII and § 1981 claims of racial discrimination, wrongful termination, and retaliation (First, Second, and Third causes of action) is **DENIED**.

Defendant Tuomey Regional Medical Center's motion for summary judgment as to the state law claims of breach of contract, slander, third party interference with contract, and civil conspiracy (Fourth, Fifth, Sixth, Seventh, and Ninth causes of action) is hereby **GRANTED**.

Defendants Central Carolina Technical College and Wheeler's motion for summary judgment as to the Seventh, Eighth, Ninth, and Tenth causes of action is hereby **GRANTED**, and the action is hereby **DISMISSED** as to the defendants Central Carolina Technical College and Wheeler.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Matthew J. Perry, Jr.', is written over a horizontal line.

**MATTHEW J. PERRY, JR.**  
**SENIOR UNITED STATES DISTRICT JUDGE**

**Columbia, South Carolina**  
**December 14, 2005**